

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JOEY WILLIAMS,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration,

Defendant.

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Case No. CIV-08-845-D

FINDINGS & RECOMMENDATION OF
MAGISTRATE JUDGE

This matter is before the Court on the Plaintiff's complaint [Doc. 1] for reversal of the final decision of the Commissioner of Social Security dated June 16, 2008 (TR. 5-7). The Commissioner filed his answer [Doc. 5] on October 9, 2008 and on October 10, 2008 filed a certified copy of the transcript of the record including the evidence upon which the findings and decisions complained of were based. The undersigned entered an order establishing a briefing schedule [Doc. 8] on October 21, 2008 which provided that Plaintiff's brief was within forty-five (45) days of the date of the order. The deadline for the filing of Plaintiff's opening brief was extended until {sic} January 23, 2008 by order entered December 4, 2008 [Doc. 10]. Plaintiff has failed to comply with the order in that he has not filed a brief. This case has been referred to the undersigned magistrate judge for initial proceedings consistent with 28 U.S.C. §636(b)(1)(B) [Doc 3].

RECOMMENDATION

Based on the foregoing, the undersigned Magistrate Judge recommends that the Plaintiff's complaint be **DISMISSED** for failure to comply with the court's order establishing briefing schedule. The parties are advised of their right to object to these findings and recommendation within twenty (20) days of the date of the filing hereof, in accordance with 28 U.S.C. §636 and Local Court Rule 72.1 (a). The parties are further advised that failure to make timely objection to these findings and recommendation waives their right to appeal from a judgment of the

district court based upon these findings and recommendation. *Moore v. United States*, 950 F.2d 656 (10th Cir. 1991).

The foregoing Findings and Recommendation disposes of all issues referred to the undersigned magistrate judge in the above captioned matter.

ENTERED this the 9th day of June 2009.



SHON T. ERWIN
UNITED STATES MAGISTRATE JUDGE